



Federal Communications Commission  
Washington, D.C. 20554  
AUG 31 2000

The Honorable Don Nickles  
United States Senate  
133 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Nickles:

Thank you for forwarding a letter from your constituent, Terry Argue, regarding the Commission's initiative to facilitate development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other things, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive local telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. Your constituent expresses concern that implementing a regulation requiring building owners to provide nondiscriminatory access to competitive local exchange carriers would violate the property rights of building owners, would interfere with the free market, and would present practical difficulties.

The *NPRM* represents one step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including both businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, this item addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, including, for example, apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities.

The Commission has not yet reached any conclusions regarding the matters discussed in the *NPRM*. The Commission is currently reviewing over 1000 comments that were filed in response to the *NPRM* and a related *Notice of Inquiry* by telecommunications companies, electric utilities, building owners, and State and local governments. Based on that record, the Commission will consider carefully whether it is necessary to promulgate a nondiscriminatory building access requirement and, if so, how to address the legal and practical concerns, like limitations on building space, raised in your constituent's letter.

The Honorable Don Nickles

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I appreciate your interest and participation in this proceeding. Your constituent's letter will be placed in the record of this proceeding and given full consideration along with all other comments. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Steinberg", with a stylized flourish at the end.

Jeffrey S. Steinberg  
Deputy Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

DON NICKLES  
OKLAHOMA

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99-217  
COMMITTEES  
FINANCE  
ENERGY AND NATURAL  
RESOURCES  
BUDGET  
GOVERNMENTAL AFFAIRS  
RULES AND ADMINISTRATION

United States Senate ORIGINAL  
WASHINGTON, DC 20510-3602

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July 27, 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

5267

Respectfully referred to

Federal Communications Commission

for such consideration as the communication herewith submitted may warrant, and for a report thereon, in duplicate to accompany return of enclosure.

By direction of

DON NICKLES  
U.S. Senator

Please reply to G.T. Bynum of my staff.

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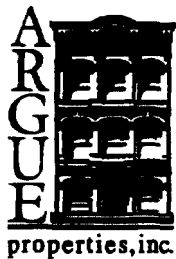
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100 NORTH BROADWAY  
OKLAHOMA CITY, OK 73102  
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3310 MID-CONTINENT TOWER  
409 SOUTH BOSTON  
TULSA, OK 74103-4007  
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AM QUEST BANK  
601 SW D AVENUE  
SUITE 206  
LAWTON, OK 73501  
(580) 357-9878

1916 LAKE ROAD  
PONCA CITY, OK 74604  
(580) 767-1270



July 17, 2000

The Honorable Don Nichols  
U.S. Senate  
133 Hart Senate Office Building  
Washington, D.C. 20510

To Senator Nichols:

As a member of the National Association of Industrial and Office Properties (NAIOP), I would like to express my strong opposition of the Federal Communications Commission's intention to adopt telecommunications forced access rules. These rules would, in essence, violate the property rights of building owners, and prevent the free market from working. This is an important issue to not only me, but the entire commercial real estate industry. I am asking that you assist us in this battle to stop the FCC's proposed rule making.

In particular, I am concerned that the FCC is currently moving forward with its Notice of Proposed Rule Making (NPRM) in WT Docket No. 99-217 and may approve forced access rules as early as next month. Forced access would deprive property owners of the right to determine which telecommunication providers should be permitted to have access to their buildings.

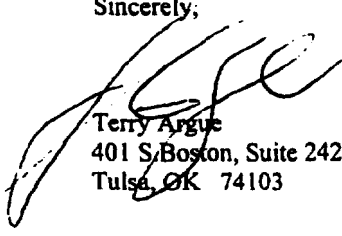
The space available for telecommunications systems in buildings is finite and must be managed carefully in order to accommodate a variety of systems. In today's market, wired buildings are no longer a luxury, they are a necessity. As such, the building owners must do what is best for their buildings, as well as their tenants. I believe that tenants benefit when property owners negotiate contracts for the best possible price and level of service from qualified telecommunications service providers.

I believe that the current free market system is working, and urge you to write the FCC opposing their proposed regulations. The Commission should not be empowered to act until Congress has carefully examined the issue and determined whether the FCC has the authority to regulate the nation's property owners. If you allow the Commission to continue on its current forced access path, the result will be disastrous for the commercial real estate community.

If you have any questions or need further information on this important issue, please do not hesitate to call Reba Raffaelli, NAIOP's Vice President for Government Affairs, at (703) 904-7100, ext. 115. You may also visit [www.realaccess.org](http://www.realaccess.org) to obtain additional forced access information.

I want to thank you for your assistance in this matter.

Sincerely,



Terry Argue  
401 S. Boston, Suite 2424  
Tulsa, OK 74103

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